

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

RECEIVED

NOV 13 2006

HARFORD COUNTY

Shaded Areas for Office Use Only

Case No. 5579  
Date Filed 11/03/06  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$ 450

Type of Application

Nature of Request and Section(s) of Code \_\_\_\_\_

☐ Administrative Decision/Interpretation

☐ Special Exception

☐ Use Variance

☐ Change/Extension of Non-Conforming Use

☐ Minor Area Variance

☒ Area Variance

☐ Variance from Requirements of the Code

☐ Zoning Map/Drafting Correction

CASE 5579 MAP 49 TYPE Variance

ELECTION DISTRICT 03 LOCATION 402 South Tollgate Road, Bel Air, MD

BY Chester James Dawson

Appealed because a variance pursuant to Section 267-36B, Table V of the Harford

County Code to permit an addition to encroach the 40' minimum rear yard setback

(26' proposed) in the R2 District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Chester James Dawson Phone Number 410-838-7273  
Address 402 South Tollgate Rd Bel Air MD 21014-5231  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 402 South Tollgate R.  
Bel Air MD 21014-5231 Lot 152, 151 NW 18.56/152  
Subdivision Silver Spring Ht 2/23 Lot Number A-03-091864  
Acreage/Lot Size 10200 SF Election District THIRD Zoning R2  
Tax Map No. 49 Grid No. 3A Parcel 650 Water/Sewer: Private ☐ Public ☐  
(well & public sewer)  
List ALL structures on property and current use: SHed (12'x7')

Estimated time required to present case: 30 minutes

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☒ No ☐

**Request**

12'x14' addition on Rear of House to use as  
Kitchen

**Justification**

See attached copy

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

We are asking for an addition to the existing kitchen which is 12'x8' to bring the laundry facilities from the basement to the first floor.

I have had five back surgeries and as I get older (69) the steps become more difficult.

There is a field behind us and we own the property on the south side. We also live across from The Sallgate Market Place, our house faces giant food store.

We were both born and raised in Hayford County and have lived in our house forty-four years. Our house was built in 1944-45.



# Topography Map



☒ Overview

Legend

Contours



Roads



☐ Parcels

2004 Ortho

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### DEPARTMENT OF PLANNING & ZONING

January 19, 2006

#### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5579**

APPLICANT/OWNER: Chester James Dawson  
402 South Tollgate Road, Bel Air, Maryland 21014

REPRESENTATIVE: Applicant

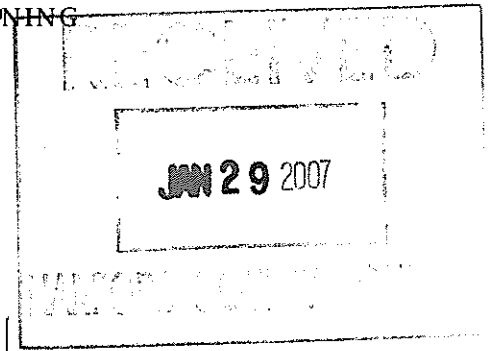
LOCATION: 402 South Tollgate Road – Silver Spring Heights/Plat 2/23  
Tax Map: 49 / Grid: 3A / Parcel: 650 / Lots: 150, 151, 152  
Election District: Three (3)

ACREAGE: 10,200 square feet

ZONING: R2/Urban Residential District

DATE FILED: November 3, 2006

HEARING DATE: February 7, 2007



#### APPLICANT'S REQUEST and JUSTIFICATION:

##### Request:

"12 foot by 14 foot addition on rear of house to use as Kitchen."

##### Justification:

See Attachment 1.

~ Preserving Harford's past; promoting Harford's future ~  
(410) 638-3103

MY DIRECT PHONE NUMBER IS

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

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Chester Dawson

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### **CODE REQUIREMENTS:**

The Applicant is requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the 40 foot minimum rear yard setback (26 feet proposed) in the R2/Urban Residential District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the southwest side of Tollgate Road, south of US Route 1. The Tollgate Shopping Center and the limits of Bel Air are located across Tollgate Road from the property. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities. The subject property is designated as Low Intensity which is defined by the 2004 Master Plan as:

*Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

#### **Land Use – Existing:**

The existing land uses in the area are generally consistent with the intent of the Master Plan. The predominant land uses are residential and commercial. The topography of the area ranges from rolling to steep especially near the stream valleys. A copy of the topography map and the aerial photograph are enclosed with the report (Attachments 7 and 8).

The Applicant's property is made up of 3 lots recorded as the Silver Spring Heights subdivision in 1929 (Attachment 9). The subject property is rectangular in shape and approximately 10,200 square feet in size. It has frontage on the southwest side of Tollgate Road and is across from the Tollgate Shopping Center. The topography of the lot rises up from Tollgate Road to the front of the dwelling and then levels off to the rear of the lot. The property also gently slopes down from right to left as you face the lot. The front yard of the property contains large mature trees and shrubbery. Improvements consist of a small frame 1½ story dwelling with a covered porch and

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Chester Dawson

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entry to the right side. There is also a blacktopped driveway with parking pads to the right side of the dwelling and directly in front of the house. To the right side and to the rear of the dwelling is a frame shed. Presently, sitting in the middle of the rear yard is a frame structure covered in ivy and used as a sitting area similar to a gazebo. The existing improvements were located well back on the lot creating a very shallow rear yard. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 10 and 11).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2 and R4/Urban Residential Districts. There is a small parcel of RO/Residential Office zoning just to the north of the subject property. Commercial zoning in this area is mainly B3/General Business District. The subject lot is zoned R2/Urban Residential District as shown on the enclosed zoning map (Attachment 12).

### SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the 40 foot minimum rear yard setback (26 feet proposed) in the R2/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The Silver Spring Heights development was created in the 1920s as 25 foot wide lots, which was common for that time period. According to the Applicant's site plan, they purchased two 25 foot lots and 18.5 feet of a third lot for a total of 68.5 feet. The dwelling was located approximately 40 feet from the rear of the lot locating it much further back on the lot than other houses along Tollgate Road (see Attachment 13). Had the dwelling been located at the 35 foot minimum setback or in alignment with some of the other dwellings along the road, the requested variance would not be necessary. The existing dwelling is smaller than many of the dwellings in the area. The improvements will not adversely impact adjacent properties and/or the intent of the Code.

The town of Bel Air reviewed the request and indicated in a letter dated November 13, 2006, that they have no comments on the variance request (Attachment 14).



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**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the applicant obtaining all necessary permits and inspections for the proposed addition.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning